

Suspend the Rules and Pass the Bill, H.R. 559, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

116TH CONGRESS
1ST SESSION

H. R. 559

To amend section 6 of the Joint Resolution entitled “A Joint Resolution to approve the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes”.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2019

Mr. SABLAN introduced the following bill; which was referred to the Committee on Natural Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend section 6 of the Joint Resolution entitled “A Joint Resolution to approve the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, and for other purposes”.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Northern Mariana Is-
3 lands Long-Term Legal Residents Relief Act”.

4 **SEC. 2. LONG-TERM LEGAL RESIDENTS OF THE COMMON-**
5 **WEALTH OF THE NORTHERN MARIANA IS-**
6 **LANDS.**

7 Section 6(e) of the Joint Resolution entitled “A Joint
8 Resolution to approve the Covenant To Establish a Com-
9 monwealth of the Northern Mariana Islands in Political
10 Union with the United States of America, and for other
11 purposes”, approved March 24, 1976 (48 U.S.C. 1806),
12 is amended by adding at the end the following:

13 “(6) SPECIAL PROVISION REGARDING LONG-
14 TERM RESIDENTS OF THE COMMONWEALTH.—

15 “(A) CNMI RESIDENT STATUS.—An alien
16 described in subparagraph (B) may, upon the
17 application of the alien, be admitted in CNMI
18 Resident status to the Commonwealth subject
19 to the following rules:

20 “(i) The alien shall be treated as an
21 alien lawfully admitted to the Common-
22 wealth only, including permitting entry to
23 and exit from the Commonwealth, until the
24 earlier of the date on which—

25 “(I) the alien ceases to reside in
26 the Commonwealth; or

1 “(II) the alien’s status is ad-
2 justed under section 245 of the Immi-
3 gration and Nationality Act (8 U.S.C.
4 1255) to that of an alien lawfully ad-
5 mitted for permanent residence in ac-
6 cordance with all applicable eligibility
7 requirements.

8 “(ii) The Secretary of Homeland Se-
9 curity—

10 “(I) shall establish a process for
11 such alien to apply for CNMI Resi-
12 dent status during the 180-day period
13 beginning on a date determined by the
14 Secretary but not later than the first
15 day of the sixth month after the date
16 of the enactment of this paragraph;
17 and

18 “(II) may, in the Secretary’s dis-
19 cretion, authorize deferred action or
20 parole, as appropriate, with work au-
21 thorization, for such alien beginning
22 on the date of the enactment of this
23 paragraph and continuing through the
24 end of such 180-day period or the
25 date of adjudication of the alien’s ap-

1 plication for CNMI Resident status,
2 whichever is later.

3 “(iii) Nothing in this subparagraph
4 may be construed to provide any alien
5 granted status under this subparagraph
6 with public assistance to which the alien is
7 not otherwise entitled.

8 “(iv) An alien granted status under
9 this paragraph—

10 “(I) is subject to all grounds of
11 deportability under section 237 of the
12 Immigration and Nationality Act (8
13 U.S.C. 1227);

14 “(II) is subject to all grounds of
15 inadmissibility under section 212 of
16 the Immigration and Nationality Act
17 (8 U.S.C. 1182) if seeking admission
18 to the United States at a port of
19 entry in the Commonwealth;

20 “(III) is inadmissible to the
21 United States at any port of entry
22 outside the Commonwealth, except
23 that the Secretary of Homeland Secu-
24 rity may in the Secretary’s discretion
25 authorize admission of such alien at a

1 port of entry in Guam for the purpose
2 of direct transit to the Common-
3 wealth, which admission shall be con-
4 sidered an admission to the Common-
5 wealth;

6 “(IV) automatically shall lose
7 such status if the alien travels from
8 the Commonwealth to any other place
9 in the United States, except that the
10 Secretary of Homeland Security may
11 in the Secretary’s discretion establish
12 procedures for the advance approval
13 on a case-by-case basis of such travel
14 for a temporary and legitimate pur-
15 pose, and the Secretary may in the
16 Secretary’s discretion authorize the
17 direct transit of aliens with CNMI
18 Resident status through Guam to a
19 foreign place;

20 “(V) shall be authorized to work
21 in the Commonwealth incident to sta-
22 tus; and

23 “(VI) shall be issued appropriate
24 travel documentation and evidence of
25 work authorization by the Secretary.

1 “(B) ALIENS DESCRIBED.—An alien is de-
2 scribed in this subparagraph if the alien—

3 “(i) was lawfully present on the date
4 of the enactment of this paragraph or on
5 December 31, 2018, in the Commonwealth
6 under the immigration laws of the United
7 States, including pursuant to a grant of
8 parole under section 212(d)(5) of the Im-
9 migration and Nationality Act (8 U.S.C.
10 1182(d)(5)) or deferred action;

11 “(ii) is admissible as an immigrant to
12 the United States under the Immigration
13 and Nationality Act (8 U.S.C. 1101 et
14 seq.), except that no immigrant visa is re-
15 quired;

16 “(iii) resided continuously and law-
17 fully in the Commonwealth from November
18 28, 2009, through the date of the enact-
19 ment of this paragraph;

20 “(iv) is not a citizen of the Republic
21 of the Marshall Islands, the Federated
22 States of Micronesia, or the Republic of
23 Palau; and

24 “(v) in addition—

1 “(I) was born in the Northern
2 Mariana Islands between January 1,
3 1974, and January 9, 1978;

4 “(II) was, on November 27,
5 2009, a permanent resident of the
6 Commonwealth (as defined in section
7 4303 of title 3 of the Northern Mar-
8 iana Islands Commonwealth Code, in
9 effect on May 8, 2008);

10 “(III) is the spouse or child (as
11 defined in section 101(b)(1) of the
12 Immigration and Nationality Act (8
13 U.S.C. 1101(b)(1))) of an alien de-
14 scribed in subclause (I) or (II);

15 “(IV) was, on November 27,
16 2011, a spouse, child, or parent of a
17 United States citizen, notwithstanding
18 the age of the United States citizen,
19 and continues to have such family re-
20 lationship with the citizen on the date
21 of the application described in sub-
22 paragraph (A); or

23 “(V) had a grant of parole under
24 section 212(d)(5) of the Immigration
25 and Nationality Act (8 U.S.C.

1 1182(d)(5)) on December 31, 2018,
2 under the former parole program for
3 certain in-home caregivers adminis-
4 tered by U.S. Citizenship and Immi-
5 gration Services.

6 “(C) AUTHORITY OF ATTORNEY GEN-
7 ERAL.—Beginning on the first day of the 180-
8 day period established by the Secretary of
9 Homeland Security under subparagraph
10 (A)(ii)(I), the Attorney General may accept and
11 adjudicate an application for CNMI Resident
12 status under this paragraph by an alien who is
13 in removal proceedings before the Attorney
14 General if the alien—

15 “(i) makes an initial application to
16 the Attorney General within such 180-day
17 period; or

18 “(ii) applied to the Secretary of
19 Homeland Security during such 180-period
20 and before being placed in removal pro-
21 ceedings, and the Secretary denied the ap-
22 plication.

23 “(D) JUDICIAL REVIEW.—Notwithstanding
24 any other law, no court shall have jurisdiction
25 to review any decision of the Secretary of

1 Homeland Security or the Attorney General on
2 an application under this paragraph or any
3 other action or determination of the Secretary
4 of Homeland Security or the Attorney General
5 to implement, administer, or enforce this para-
6 graph.

7 “(E) PROCEDURE.—The requirements of
8 chapter 5 of title 5, United States Code (com-
9 monly referred to as the Administrative Proce-
10 dure Act), or any other law relating to rule-
11 making, information collection or publication in
12 the Federal Register shall not apply to any ac-
13 tion to implement, administer or enforce this
14 paragraph.”.

15 **SEC. 3. DETERMINATION OF BUDGETARY EFFECTS.**

16 The budgetary effects of this Act, for the purpose of
17 complying with the Statutory Pay-As-You-Go Act of 2010,
18 shall be determined by reference to the latest statement
19 titled “Budgetary Effects of PAYGO Legislation” for this
20 Act, submitted for printing in the Congressional Record
21 by the Chairman of the House Budget Committee, pro-
22 vided that such statement has been submitted prior to the
23 vote on passage.